

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

| | | |
|----------------------------|---|-------------------|
| JOHNNY R. WOODRUFF, |) | 8:13CV242 |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | MEMORANDUM |
| |) | AND ORDER |
| MICHAEL J. COFFEY, et al., |) | |
| |) | |
| Defendants. |) | |

This matter is before the court on its own motion. On August 9, 2013, Plaintiff filed his Complaint in this matter along with a Motion for Leave to Proceed in Forma Pauperis (“IFP”). (Filing Nos. [1](#) and [2](#).) On August 15, 2013, the court granted Plaintiff’s IFP Motion and assessed an initial partial filing fee pursuant to [28 U.S.C. § 1915\(b\)\(1\)](#). (Filing No. [7](#).) In doing so, the court warned Plaintiff that his case would be dismissed if he failed to pay the initial partial filing fee by September 16, 2013. (*Id.*) On September 20, 2013, the court extended the time in which Plaintiff had to pay the initial partial filing fee to October 20, 2013. (*See* Text Order dated September 20, 2013.)

The October 20, 2013, deadline has passed and Plaintiff has not paid the initial partial filing fee in this matter or asked for an extension of time in which to do so. (*See* Docket Sheet.) Therefore, Plaintiff’s case is dismissed for failing to comply with this court’s orders. *See* [Fed. R. Civ. Pro. 41\(b\)](#); *see also* [Conley v. Holden](#), No. 03-3908, 2004 WL 2202452, at *1 (8th Cir. Sept. 21, 2004) (affirming district court’s dismissal of inmate’s case for failing to pay the assessed initial partial filing fee).

IT IS THEREFORE ORDERED that:

1. Plaintiff’s Complaint (Filing No. [1](#)) is dismissed without prejudice because Plaintiff failed to comply with this court’s orders.
 2. A separate judgment will be entered in accordance with this Memorandum and Order.
- DATED this 5th day of November, 2013.

BY THE COURT:

s/ Joseph F. Bataillon
United States District Judge

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